

DENIS M. VANNIER, OSB #044406
Senior Deputy City Attorney
denis.vannier@portlandoregon.gov
NAOMI SHEFFIELD, OSB #170601
Senior Deputy City Attorney
naomi.sheffield@portlandoregon.gov
Portland City Attorney's Office
1221 SW 4th Ave., Rm. 430
Portland, OR 97294
Telephone: (503) 823-4047
Facsimile: (503) 823-3089
Of Attorneys for Defendant City of Portland

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY; DOUG BROWN; BRIAN CONLEY; MATHIEU LEWIS-ROLLAND; KAT MAHONEY; SERGIO OLMOS; JOHN RUDOFF; ALEX MILAN TRACY; TUCK WOODSTOCK; JUSTIN YAU**; and those similarly situated, **3:20-cv-01035-SI** **JOINT RULE 26(f) CASE MANAGEMENT PROPOSAL**

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1–60**, officers of Portland Police Bureau and other agencies working in concert; and **JOHN DOES 61–200**, federal agents,

Defendants.

Counsel for Plaintiffs and Defendant City of Portland (“the City”) conducted an initial discovery conference pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1 on August 3, 2023.

JOINT RULE 26(f) CASE MANAGEMENT PROPOSAL

After conferring, Plaintiffs and the City (collectively “the parties”) agree upon the following discovery plan in this case:

1. Initial Disclosures. The parties have waived initial disclosures.
2. Anticipated Discovery.

Given Plaintiffs’ claims, the parties anticipate discovery on the following topics:

- a. The incidents and events described in Plaintiffs’ complaint pertaining to the City of Portland.
 - b. The City’s policies, procedures, protocols, training, and tactics related to journalists and legal observers during large-crowd events, including protests, demonstrations, unlawful assemblies, and riots.
3. Proposed Schedule. The parties jointly propose the following discovery schedule and dispositive motion deadlines:

<u>EVENT</u>	<u>DATE</u>
Complete All Fact Discovery	May 14, 2024
Initial Expert Reports	July 12, 2024
Rebuttal Expert Reports	August 9, 2024
Complete Expert Discover	September 13, 2024
Dispositive Motions	November 15, 2024

4. Treatment of Electronically Stored Information. The parties have discussed the existence of electronically stored information (ESI) in this matter. The parties will conduct electronic discovery according to the terms of the Federal Rules of Civil Procedure and the Local Rules. The parties have agreed to preserve ESI concerning the topics described in

Paragraph 2 above located on any device in the possession, custody, or control of any party. The parties further agree to confer and agree on reasonable format for production of ESI.

5. Privilege Claims. As of the date of this report, the parties do not foresee any unusual issues of privilege or protection of trial preparation materials. The parties do not anticipate the need for any special procedures regarding the clawing back of privileged material inadvertently produced in discovery.

6. Protective Order. A protective order has been stipulated to by the parties and entered by the Court (ECF 180).

7. Limitations on Discovery. In light of the number of named Plaintiffs, as well as other persons expressly identified in Plaintiffs' complaint, the parties propose to modify the number of depositions presumptively permitted by Fed. R. Civ. P. 30 to a maximum number of 20 depositions per side. As of the date of this report, the parties do not anticipate seeking any other changes to the limitations on discovery imposed by the Federal Rules of Civil Procedure or the Local Rules.

Dated: August 3, 2023

By: /s/ Denis M. Vannier
DENIS M. VANNIER, OSB# 044406
Senior Deputy City Attorney
NAOMI SHEFFIELD, OSB# 170601
Deputy City Attorney

Of Attorneys for Defendant City of Portland

By: /s/ Matthew Borden
Matthew Borden, *pro hac vice*
BRAUNHAGEY & BORDEN LLP

Kelly K. Simon, OSB No. 154213
ACLU FOUNDATION OF OREGON

Of Attorneys for Plaintiffs

JOINT RULE 26(f) CASE MANAGEMENT PROPOSAL